IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 19199 of 2003

Between:

M/S SREE RAGHVAENDRA FOOD PRODUCTS, Rep by its managing partner Smt P Usha RAni, W/o PVSR Anjaneyulu D.No.6/13, Brodipeta, Guntur

..... PETITIONER

AND

1 The Govt of India Rep by its Secretary
Legal Affiars, New Delhi
2 The Registrar of Cooperative Socities
Nampally, Hyderabad
3 The Andhra Bank Rep by its deputy general manager
Zonal Office, Guntur
Guntur District
4 The manager
Andhra Bank, SSI UNIT, Large Centre, Guntur
Guntur District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction especially one in the nature of writ of mandamus declaring that the notice dated 20-02-2003 issued by the respondent bank under section 13(2) of the Securitisation and Reconstruction of Financial assets and enforcement of securities interest Act-2002 is illegal, arbitrary and violative of principles of natural justice and further declare that the provisions of section 13 of the said Act is ultravires and unconstitutional.

Counsel for the Petitioner:MR.M.SURENDER RAO

Counsel for the Respondent No.1: MR. A. RAJASEKHAR REDDY, S.C.FOR CENTRAL GOVERNMENT.

Counsel for the Respondent No.2:GP FOR COOPERATION

Counsel for the Respondent Nos.3&4: SMT.K.SESHARAJYAM

The Court made the following :

ORAL ORDER: (per Hon"ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARIDA CHEMICALS LTD v UNION OF INDIA AND ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this Writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ.

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21st July, 2004 C.V.RAMULU, J.

Pnb/Jsu

To

1 The Secretary, Govt of India,
Legal Affiars, New Delhi
2 The Registrar of Cooperative Socities
Nampally, Hyderabad

3 The Deputy General Manager,Andhra Bank
Zonal Office, Guntur
Guntur District
4 The manager,Andhra Bank,

SSI UNIT, Large Centre, Guntur, Guntur District

5 2 CCs to the G.P. for Cooperation, High Court Buildings, Hyderabad.(OUT)

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